

# ORDINANCE NO. 94

AN ORDINANCE GRANTING TO CENTRAL PACIFIC RAILWAY COMPANY, ITS SUCCESSORS AND ASSIGNS FOR THE TERM AND PERIOD OF FIFTY (50) YEARS FROM AND AFTER THE PASSAGE AND APPROVAL OF THIS ORDINANCE, THE FRANCHISE, EXCLUSIVE RIGHT, PERMISSION AND PRIVILEGE TO LAY DOWN AND MAINTAIN RAILROAD TRACKS OF STANDARD GAUGE, TOGETHER WITH THE NECESSARY TRACKS, CURVES, SWITCHES, CROSSINGS, CONNECTIONS, APPENDAGES AND ADJUNCTS FOR THE CONVENIENT USE THEREOF, THAT IT, ITS SUCCESSORS AND ASSIGNS, MAY REQUIRE FROM TIME TO TIME DURING THE LIFETIME OF SAID FRANCHISE, AND THE EXCLUSIVE RIGHT TO PASS WITH A STEAM, OR OTHER LAWFUL MOTIVE POWER, LOCOMOTIVES WITH CARS, MOTORS AND OTHER RAILROAD EQUIPMENTS, OVER, ALONG, UPON AND ACROSS THE STREETS, PORTIONS OF STREETS AND OTHER PLACES IN THE CITY OF LODI, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA.

The Board of Trustees of the City of Lodi, County of San Joaquin, State of California, do ordain as follows:

Section 1. That the City of Lodi hereby grants to Central Pacific Railway Company, a railroad corporation duly organized and incorporated as such, under and by virtue of the Laws of the State of Utah, and conducting and carrying on a general railroad business at various places in the State of California, including the City of Lodi, its successors and assigns so far as it lies within the power of said City of Lodi to grant the same for the term and period of Fifty (50) years from and after the passage and approval of this Ordinance, subject to all the terms, conditions and limitations hereinafter made and expressed, a franchise, exclusive right, permission, and privilege to lay down and maintain railroads tracks of standard gauge, together with the necessary tracks, curves, switches, crossings, connections, appendages and adjuncts for the convenient use thereof, that it, its successors and assigns, may require from time to time, during the lifetime of said Franchise, and to construct and maintain thereon a road-bed, and the exclusive right to pass with a steam, or other lawful motive power, locomotive, with cars, motors and other railroad equipments, over, along, upon and across, the streets, portions of streets, and other places in the City of Lodi, County of San Joaquin, State of California, described as follows, to-wit:

## I.

A single track railroad track, be-

ginning for the center line thereof at a point in the South line of Tokay Street produced Westerly as shown on Map of "Re-Subdivision of Lot Seventy-two (72) of Lodi, Barnhart Tract," a subdivision located in the City of Lodi; said point being also Eighteen (18) feet Easterly at right angles from the center line of the main track of the Central Pacific Railway as now existing between Tracy and Sacramento and opposite Engineers Station 1609 plus 72.6; running thence Northerly parallel to said main track and Eighteen (18) feet distant from the center line thereof, 60.25 feet to the North line of Tokay Street, produced Westerly.

## II.

A single track railroad track, beginning for the center line thereof at a point in the South line of Tokay Street produced Westerly as shown on the first above mentioned map; said point being also Eighteen (18) feet Easterly at right angles from the center line of above mentioned main track and opposite Engineers Station 1609 plus 72.6; running thence Northerly on a curve to the left radius 764.49 feet, and approaching said main track, Sixty (60) feet to a point in the North line of Tokay Street produced Westerly Fifteen (15) feet, more or less Easterly at right angles from the center line of said main track.

The streets referred to in said description are so designated on the Official Map of the City of Lodi, (formerly Town of Lodi, and formerly Mokelumne), on file and of record in the office of the County Recorder of the County of San Joaquin, State of California.

Section 2. The rights, privileges and permissions herein granted to said corporation, its Successors and assigns, are dependent for their continuance and validity upon the performance by said corporation, its successors and assigns, in full of all the conditions as hereinafter set out. to-wit:

FIRST: Said Corporation Shall in all cases construct, lay down and maintain its said road-beds in said City of Lodi, to the official grades of said streets, and other places, and shall not construct or raise any portion of its road-beds to a greater height than said official grades, unless with the permission of the said Board of Trustees of said City of Lodi, except so far as it may be necessary in crossing the road-beds and tracks of other railroads; and shall not for any other purpose remove any earth from or make any excavations in, any of the streets of said City of Lodi, except it may be necessary so to do for the purpose of constructing culverts;

SECOND: Said Corporation shall construct suitable culverts for the passage of water at such points on said road-beds as shall be selected by the Board of Trustees of the City of Lodi, or the Superintendent of Streets, and shall keep said culverts in constant repair.

THIRD: Said Corporation shall, upon the order of said Board of Trustees of the City of Lodi, grade or regrade, gravel or regravell, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said Board of Trustees of the City of

Lodi, any and all portions of the said streets along which their tracks are laid, between the rails thereof, and for a width extending two feet on each side of said tracks, and between the tracks where the same are double tracks; also between the rails and for a width extending two feet on each side thereof of all turns, curves, side tracks, switches and appendages. It shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said Corporation, its successors or assigns, be permitted to run or operate said railroad on any street or portion of street or other places where the said track or tracks are laid, until the same have been approved by the Superintendent of Streets or by the said Board of Trustees of the City of Lodi.

Section 3. Said Corporation shall keep its road-beds and tracks in good condition, with proper slopes to enable teams to pass and repass thereon.

Section 4. All privileges and rights required—by said Corporation, for—the construction and maintenance of said road-beds, tracks, curves, side tracks, spurs and switches, through private property and upon grades made by private Persons upon the proposed line of said road-beds, tracks, curves, side tracks, spurs and switches, are to be secured by said corporation from the owners of such property.

Section 5. If the said corporation shall fail, for thirty days, to accept, in writing, filed with the Board of Trustees of the City of Lodi, by filing the same with the City Clerk of the City of Lodi, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its railroad within One (1) month from the date of the approval of this Ordinance, and to complete the same within One (1) month thereafter, then this Ordinance shall be of no force and effect, as a grant unto the said Corporation.

Section 6. This Ordinance shall take effect and be in force Thirty (30) days from and after its passage and approval.

The foregoing Ordinance was introduced for passage at a regular meeting of the Board of Trustees of the City of Lodi, held on the 4th day of February, 1918, and on the 11th day of February, 1918, which was more than five days thereafter, was, at a regularly adjourned regular meeting of said Board of Trustees, duly and regularly held on the 11th day of February, 1918, finally passed by the following vote:

Ayes—Trustees Hale, Black, Keeney and Folendorf.

Noes—None.

Absent—Trustee Deaver.

I hereby sign and approve the foregoing Ordinance, this 11th day of February, 1918.

F. O. HALE,

President of the Board of Trustees of the City of Lodi, and as the Executive of said City of Lodi.

Attest: This 11th day of February, 1918.

H. S. CLARK,

City Clerk of the City of Lodi, and Clerk of the Board of Trustees of said City of Lodi.